

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GREGORY LEE WOLF,

Plaintiff,

v.

STATE OF NEVADA EX REL
DEPARTMENT OF CORRECTIONS, *et*
al.,

Defendants.

Case No. 3:22-cv-00308-MMD-CSD

ORDER

On July 5, 2022, Plaintiff Gregory Lee Wolf, who is incarcerated in the custody of the Nevada Department of Corrections (“NDOC”), initiated this prisoner civil rights action under 42 U.S.C. § 1983. (ECF No. 1.) On December 20, 2022, this Court issued a screening order and stayed the case to give the parties an opportunity to settle their dispute. (ECF No. 10.) The parties were unable to reach an agreement, and the case is no longer stayed. (ECF Nos. 15, 17.) On July 31, 2023, Interested Party NDOC filed a suggestion of death on the record for Defendant William Donnelly. (ECF No. 39.)

Under Federal Rule of Civil Procedure 25(a)(1), “[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent’s successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.” Fed. R. Civ. P. 25(a)(1). As such, if there is no motion for substitution within 90 days of the date of this order, the Court will dismiss the claims against Donnelly.

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1 It is therefore ordered that the Court will dismiss the claims against Defendant
2 William Donnelly in 90 days if there is no motion to substitute filed under Federal Rule of
3 Civil Procedure 25(a)(1).

4 DATED THIS 8th Day of August 2023.

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7 MIRANDA M. DU
8 CHIEF UNITED STATES DISTRICT JUDGE
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